

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

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FILE: B-200366

DATE: January 22, 1981

MATTER OF: Computer Terminal Sales

[Protest Alleging Improper Evaluation of Bids]

DIGEST:

Rejection of bid for possibly incorrect reasons is not prejudicial where bidder's failure to offer firm-fixed price would have required rejection of bid in any event.

Computer Terminal Sales (CTS) protests the award of a contract to another vendor by the Department of Transportation (DOT) under an invitation for bids for the rental of computer terminals with related installation and maintenance. CTS contends that DOT's evaluation of the bids was improper and that had DOT evaluated the bids in conformity with the invitation, CTS would have been the low bidder. However, we see no need to address CTS's objections because CTS was not eligible for award of the contract.

The invitation for bids provided clearly that although the term of the initial rental contract was from the date of award through September 30, 1980, the contract could be renewed annually at the option of the Government for up to 5 years at the bid price. The solicitation also provided an option for an additional quantity of terminals which might be exercised at any time. Bids were evaluated by adding the price for the option quantity and services to the price for the initial quantity and services. There was a footnote added to CTS's bid for maintenance on the initial quantity of terminals which stated "maintenance prices guaranteed for 12 mos." CTS's bid for the option quantity of terminals was qualified with the statement that "Due to uncertainties of the money markets, we are unable to provide a rate for deliveries beyond June 1, 1982."

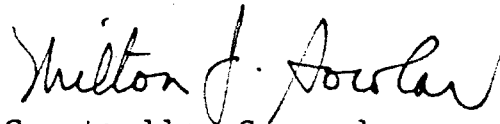
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This bid falls short of an unequivocal offer to provide the requested items at a firm-fixed price. We have held that where a bidder qualifies his bid for a firm-fixed-price contract by providing for price adjustments if certain circumstances occur, the bid must be rejected as nonresponsive since the bidder has not offered a firm-fixed price. Joy Manufacturing Company, 54 Comp. Gen. 237 (1974), 74-2 CPD 183. Consequently, even if DOT were incorrect in the reasons for which it rejected CTS's bid, a question we do not answer, CTS could not have been prejudiced because CTS's failure to offer a firm-fixed price necessitated the rejection of its bid in any event.

The protest is denied.



For the Comptroller General
of the United States